

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HIGHVIEW PROPERTIES D.H.F. INC.,

Plaintiff,

-against-

TOWN OF MONROE; TOWN OF MONROE
TOWN BOARD; HARLEY DOLES as former
Town Supervisor in his official capacity;
ANTHONY CARDONE, as Town Supervisor and
individually; MARY BINGHAM as Monroe Town
Boardmember; RICHARD COLON, as Monroe
Town Boardmember and individually; MICHAEL
McGINN, as Monroe Town Boardmember and
individually; GERARD McQUADE, JR., as
Monroe Town Boardmember and individually; and
AUDRA SCWARTZ, as Town of Monroe Planning
Board Chairperson,

Defendants.

NOTICE OF MOTION

Docket No.: 18-867 (NSR)

PLEASE TAKE NOTICE that, upon the annexed Declaration of Leo Dorfman and the exhibits annexed thereto; the accompanying *Memorandum of Law in Support of Town of Monroe Defendants' Motion to Dismiss*; and upon all pleadings and proceedings in this case, Defendants Town of Monroe, Town of Monroe Town Board, Anthony Cardone, Mary Bingham, Richard Colon, Michael McGinn and Audra Schwartz ("Town Defendants") will move this Court before the Honorable Nelson S. Román at the United States District Court, located at 300 Quarropas Strett, White Plains, NY 10601-4150, on a date and time to be determined by the Court, for an Order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing plaintiff's Complaint in its entirety with prejudice, together with such other and further relief as this Court deems just, equitable, and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to court order, opposition papers

are to be filed by August 17, 2018, and reply papers by September 5, 2018.

Dated: Carle Place, New York
July 2, 2018

SOKOLOFF STERN LLP
Attorneys for Town Defendants

By:


LEO DORFMAN
ALEXANDER J. ELEFTHERAKIS
179 Westbury Avenue
Carle Place, New York 11514
(516) 334-4500
File No. 160203

TO: Robert S. Rosborough
Whiteman Osterman & Hanna LLP
One Commerce Plaza
Albany NY 12260

James A. Randazzo
Portale Randazzo LLP
245 Main Street, Suite 340
White Plains NY 10601